

INTRODUCTION

This manual has been prepared to assist persons who want to file a claim (sue) or defend themselves in Justice Court of Gallatin County.

It outlines some basic steps involved in bringing and defending a civil action. No attempt has been made to cover all possible problems or situations that may arise. If problems arise which are not covered in the manual, YOU SHOULD CONSULT AN ATTORNEY.

This manual is intended to answer some basic questions for the person who chooses to "go it alone". It does not answer all the questions that might come up during the lawsuit.

This manual has been prepared by the Justice Court, Gallatin County, Montana for use in a civil law suit. PLEASE read these instructions very carefully before proceeding on your action and refer to them frequently throughout the process of your Civil case.

GALLATIN COUNTY JUSTICE COURT
615 South 16th Avenue
BOZEMAN, MT 59715

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PREPARING FOR THE CIVIL TRIAL:

You **MUST** be prepared at the time of trial with any and all witnesses, documents, photos, etc. Witnesses are particularly important in many cases. For example, if your case involves the question of the quality of workmanship, an experienced and impartial person in the same trade makes a good witness. The following is a check list that will help you in preparing for your case.

CHECK LIST FOR PLAINTIFF: (*Person filing the complaint*)

I have sent a registered letter to the defendant
Explaining the complaint and stating my demand.

The party I am suing is liable to me. (This is truly
the person who owes me money or who must return my
property.

I have made reasonable demands and efforts to collect
or settle this case before going to court.

I know the following about the defendant before I file
my suit:
Name
Address
Phone Number
Where He/She Works

I can prove the amount of the Complaint. I have not
asked for more than what is really owed me.

I have the following items that will establish proof:
Written contracts (examples: notes, lease agreements, IOU's, etc)
Letters relating to this case
Bills or statements
Canceled checks

Repair bills or written estimates of repair written by a reputable
company
Photographs
Witnesses
Other

I have the following witnesses who can testify directly of knowledge they have
of the case. (They have not heard things from someone else, they know
first-hand):
Names:

I must get a subpoena or "order to appear" for the
following witnesses because they said they would not

appear when I contacted them:
Names:

Before you file your papers ask yourself these questions:

1. Does the person you wish to sue voluntarily pay debts - or are you dealing with a person who will make it as difficult as possible to collect if you win?
2. Does he/she have a job?
3. If not employed, does the person have some other means of support or assets that convince you that you can collect?
4. Can you identify some non-exempt assets that you could attach, if necessary, such as bank accounts or personal property, vehicles, etc.?
5. If a business is involved, is it solvent and does it have a good reputation for payment of debts?
6. Has the defendant filed for bankruptcy?

CHECK LIST FOR DEFENDANT:

I do not owe the amount in the complaint, nor do I have the Plaintiff's property.

I have made reasonable efforts to settle this case before going to Court.

I have the following defense:

I have the following items for my defense:

Written contracts (example: notes, lease agreements, IOU's, etc.)

Letters relating to this case

Bills or statements

Canceled checks

Repair bills or written estimates of repair written by a reputable company

Photographs

Witnesses

Other

I have the following witnesses who can testify directly of knowledge they have of the case. (They have not heard things from someone else, they know first-hand):

Names:

I must get a subpoena or "order to appear" for the following witnesses because they said they would not appear when I contacted them:

Names:

HOW TO FILE A COMPLAINT:

- 1) Definitely determine how much is actually owed you.
- 2) Write a registered letter to the opposing party and demand that the amount owed you be paid within ten (10) days. Send copies of estimates, bills, etc. with the letter. If the letter is refused, return to the court to file your case. Otherwise, wait the ten days for the party to comply with your requests. If he doesn't comply in ten days return to the court and file your case.
- 3) GO TO THE JUSTICE OF THE PEACE OFFICE, LOWER LEVEL, LAW AND JUSTICE CENTER, 615 South 16th, Bozeman, Montana:
Bring the following with you when you file your complaint:
 - a) \$30.00 filing fee;
 - b) A copy of your letter and certified mail receipt

WHAT CASES CAN THE JUSTICE COURT HANDLE?

1. COMPLAINT:

You may file most claims under \$7,000.00 in Justice Court. Read '3-10-301(2)(a)(b)(c)(d), M.C.A., for specific details. You can find a copy at the Bozeman Public Library or you can access them at http://data.opi.state.mt.us/bills/mca_toc/index.htm. The proper place to file the claim is in the county where the defendant lives. If the defendant lives in a City in Gallatin County file the action in that City's court. In some cases, a defendant may be served out of Gallatin County, contact the Court for details.

The recovery of money must be for actual damages, or money that is due to a person because he has suffered a loss or injury. The person who caused the loss owes the money or injury and the amount of damages, as well as the liability and must be proven at the trial. Damage can be defined as a loss or injury.

A. Example of a damage suit:

John Barrier is in an accident caused by Sherry Leadfoot. Barrier files a claim after determining the actual amount of damages by obtaining two estimates for repairs.

At trial, Barrier must be able to show why Leadfoot was at fault. He must also prove the amount of the damages done in the accident in question.

B. Example of a damage suit:

George Landperson, a landlord, withheld a security deposit from Tillie Tenant. Tenant felt it was unlawfully withheld, so she filed a suit in Justice Court. It would be up to her to be able to prove the deposit was unlawfully withheld.

C. Example of a suit for recovery of personal property.

Jane Loaner loaned her favorite sweater to Alice Borrows, her roommate. Borrows moved a week later and took the sweater with her. Loaner wants the sweater back and has sent a registered letter to Borrows asking her for its return. Loaner sues for the return of the sweater since Borrows has not returned it.

2. **COUNTERCLAIM:**

If you are being sued but believe the person suing you owes you money from the transaction or occurrence described in his or her complaint, you may file a counterclaim. You may file a counterclaim even if you acknowledge that you owe the person suing you the amount of the claim or part of that amount.

Your counterclaim cannot exceed the \$7,000.00 limit. You would have to file the counterclaim in the same manner as in the original suit.

If you file a counterclaim, the claim may arise out of the same transaction that forms the basis for the plaintiff's suit. The counterclaim cannot exceed \$7,000.00. If you have filed a counterclaim against the plaintiff that exceeds \$7,000.00, the court then would allow you to amend the counterclaim to \$7,000.00 or less or dismiss the counterclaim. All claims and counterclaims over \$7,000.00 must be filed in District Court.

Testimony and evidence concerning the plaintiff's complaint and the counterclaim will be heard at the trial. At that time, both parties must be prepared with all papers, witnesses, photos, documents and/or all other evidence.

Example of a counterclaim:

You were in an accident with a driver of another vehicle. Both of you believe the accident was the other person's fault. The person who hit you files a suit against you. However, you feel he owes you money for your damages, so you may file a counterclaim.

WHO CAN SUE OR BE SUED?

In Justice Court, you can sue or be sued by an individual, a partnership, a corporation, a union, an association, or any other kind of association or entity, except the state or a state agency.

If you are suing a corporation, use its legal name. In order to discover the proper legal name of a business and/or its owners, you need to contact the Montana Secretary of State's office, Capitol Building, Helena, Montana 59601 (444-2034 or 444-3665).

Example:

It would be improper for you to sue Joe's Shoe Store if the legal name is Joe Smith, Inc.

* * * * *

ATTORNEYS:

You may or may not want to hire an attorney to represent you in Justice Court depending on the amount and type of claim. However, you may wish to talk with an attorney before filing your claim to find out if there is a legal basis for it and to get legal advice. **The Judge and clerks in Justice Court CANNOT give you legal advice.**

Many attorneys charge very little for an initial visit. Ask the attorney if there is a statute to support or defend your claim. Write down the statute number and get a copy of the law. If your claim is based on "common law" or "case law", ask the attorney to explain the theory to you and take notes.

HOW TO BEGIN YOUR CLAIM IN THE JUSTICE COURT:

PLAINTIFF (the person who is filing the court action)

The suit should be filed in the Defendants jurisdiction.

Examples:

Joe Owsmoney lives within the Bozeman City limits. This action should be filed in Bozeman City Court.

Connie Cost lives in Belgrade. This action should be filed in Belgrade City Court.

Mary Worthless lives between Bozeman and Belgrade. This action must be filed in Justice Court.

All suits in Justice Court should begin by the plaintiff sending a registered letter to the person he wishes to sue, stating the problem and demanding payment within ten (10) days or more. (See Glossary for "Registered Letter"). If the party refuses the letter, you may immediately continue with filing your complaint.

If he accepts the letter, give him ten (10) days to respond before filing. Send the registered letter even if you have contacted the party before. This assures proof of your notification to the defendant. Bring your proof of the registered letter with you to court, both when you file and if you go to trial.

Fill out a complaint form (Ask for Complaint form from Clerk) and bring it to the Justice Court office. On this form you will state, in your own words, why you are suing and for what specific amount. You must have the complete name and address of the person you are suing. Be certain that you have the correct person or business that you think owes you money.

Example:

If you want to sue a business but give the name of the salesperson who sold you a defective product, your case will be dismissed for failure to name the correct party.

It will cost \$35.00 to file your Justice Court action. If you win your case, the other side may be ordered to repay you for this cost. *Do not include these costs in the amount you are claiming the party owes you.* You may call Justice Court, 582-2191, to inquire about costs.

Although you do not have to bring evidence to back up your claim at the time you file the case, you will need to get that information before you file so that you know exactly how much is owed you.

A copy of the "Complaint" must be served on the opposing party by a Sheriff of the county where the party to be served is found, by his deputy, by a constable authorized by law, or by any other person over the age of 18 not a party to the

action. Any fee for service is considered court costs. Expect the cost of service to range from \$15 to \$40 (even more if the defendant lives a long ways away from Bozeman).

The defendant has twenty (20) days (not counting the day he/she was served) to file a written Answer with the Court and mail you a copy. If the defendant fails to file a written Answer in the time allotted, they are in DEFAULT. You are then entitled to a JUDGMENT BY DEFAULT, however, you must apply in person to the court within 90 days of default or the lawsuit will be DISMISSED. Bring proof of your claim with you when applying for Judgment by Default.

* * * * *

DEFENDANT (the person who is being sued)

You have been summoned to appear in the Justice Court because a complaint has been filed against you. The person who filed the action (the plaintiff) believes you owe him/her money for the reason stated on the complaint with which you have been served.

Before receiving this formal notice that an action has been filed, the plaintiff probably contacted you. If you have not been contacted before receiving the summons, you may want to contact the plaintiff and make an attempt to settle your differences. You must file a written answer in Justice Court within twenty (20) days (not counting the day you were served) after you were served with the complaint, pay \$15.00 and mail a copy of your answer to the plaintiff. If you fail to file a written answer within 20 days, the plaintiff is entitled to default judgment for the amount asked for in the complaint plus costs.

After filing your answer the Justice Court may set a trial date and send you notice. You must also be prepared for the trial(See section on preparing for trial). The court may also set your case for mediation. If you fail to appear for mediation and the complainant appears, trial will be held immediately and there is a high likelihood that damages will be awarded against you.

If you feel the plaintiff owes you money, you may want to file a counterclaim. (See section on counterclaims).

MEDIATION - A DESIREABLE OPTION BEFORE TRIAL

What?

The Mediation - The involvement of a neutral third party to help the disputing parties settle the dispute.

Who?

The Mediator - the neutral third party is involved to improve the probability that the parties will resolve the dispute between themselves in a manner satisfactory to both parties. The Mediator does not decide or adjudicate the dispute. The Judge selects the Mediator. The Mediator has received training in mediation and is qualified to assist both parties in reaching a fair settlement.

The Parties - Both Parties are required to be present. If an attorney represents them, the attorney must also be present.

How?

The Rules of Mediation -

- (1) To begin with, each party tells their side of the dispute without interruption from the other side. The Mediator may ask questions.
- (2) The Mediator attempts to formulate the issues of the dispute.
- (3) The Mediator can meet with each party outside the presence of the other party.
- (4) The Mediator could attempt to assist the parties to settle the dispute between each other.
- (5) The Mediator focuses on the options for settlement between the parties.
- (6) If the parties come to an agreement, the Mediator records the agreement and requests that the parties sign the agreement.
- (7) If the parties are not able to reach an agreement, the Mediator may reschedule an additional session with the agreement of both parties or request the case continue towards trial.
- (8) If the case continues to trial, any offers of settlement or information offered during the mediation will not be admissible during trial according to the Montana Rules of Evidence.

The Cost - there is no cost for mediation to the parties.

Why?

The Result - If the parties reach agreement, generally the parties feel they received a fair resolution to their dispute. In any case, with a mediation solution the parties are not subject to final decision by a third party but rather to an agreement by the parties. Finally, mediation speeds the resolution of the matter because mediation allows the parties to forego waiting for an available trial date. Looking for a solution during mediation is very informal and requires far fewer procedural rules than an actual trial.

When and Where?

The Times and Location - The court will notify the litigants of the time and location of the mediation, the same as if a trial were set. Expect to take two to four hours for mediation to be completed. Mediation is held in rooms available at the Law and Justice Center, 615 South 16th, Bozeman, Montana. Phone 582-2191 for any question.

YOU ARE ENCOURAGED TO LOOK TO THIS OPTION AS A FIRST STEP IN THE RESOLUTION OF YOUR DISPUTE!!

IF YOU REACH AN AGREEMENT BEFORE THE TRIAL:

If you reach an agreement to settle the case without a trial, unless agreement was reached during mediation, you should be certain to call the court and inform the clerk. A written Motion to Dismiss must be filed with the Court. This will not only save the court a great deal of time and money, but will avoid having an open case on the court records. It is always best to get any agreements reached outside of the court in writing. Both parties should sign the settlement agreement and a copy should be given to the court clerk for the court record.

INSTALLMENT PAYMENTS FOR THE AMOUNT OWED:

The defendant may request installment payments before or after trial. The offer to pay installments should be reasonable to both parties. Installment payments should be settled between the parties, and agreed to in writing. A copy may be filed with the court.

WHAT WILL HAPPEN AND HOW TO PROCEED AT THE TRIAL:

At the time of trial, the judge will place you under oath and ask you to tell the facts of your case. Facts should be presented in the order in which they happened. You may want to write down what you want to say, the order in which the events happened, and the order in which you want to say it to insure that you do not leave anything out. First, the plaintiff will tell his side of the case, present evidence, and call all his witnesses. It will then be the defendant's turn to tell his side of the case. Each party will have the opportunity to "cross examine" (question) the other party and its witnesses and ask questions about any evidence. After testimony, each side will have closing statements to make concerning things the other party said in testimony.

SOME SUGGESTIONS FOR CONDUCT DURING THE TRIAL:

- 1) BE BRIEF: Do not be long-winded, however, be thorough and present everything necessary to prove your case.
- 2) DO NOT BE AN AMATEUR LAWYER: If you are not a lawyer, do not try to be one. Your case will hinge on your presentation of the facts, not your knowledge of the law.
- 3) BE POLITE AT ALL TIMES: Do not interrupt the Judge, the other party, or any of the witnesses. There should be no shouting or name calling in the courtroom.
- 4) DO NOT QUICKLY TURN DOWN ANY COMPROMISE OFFER: Compromise may be the only way to achieve any satisfaction at all through your case. If you are working out settlement let the judge know before Trial.

IF YOU DO NOT APPEAR FOR TRIAL:

PLAINTIFF

If you do not appear, the Court will dismiss your complaint with prejudice (cannot be filed again). If there is a counterclaim, default will be entered for the defendant and against the plaintiff in the amount of the counterclaim plus costs.

If you have a conflict with the court date set, and want a new trial setting, your request must be timely. You should request a continuance in writing at least 14 days in advance of the trial date unless an emergency arises.

DEFENDANT

If you are being sued in Justice Court and do not appear or notify the Justice Court that you cannot appear on the scheduled trial date, the Court may enter a Judgment (see Glossary) against you.

If you have a conflict with the court date set, and want a new trial setting, you must request a continuance in writing one month in advance of the trial date.

If judgment is entered against you and you do not pay, several things may happen for collection of the amount of the judgment. The Court then may issue an order to your employer to take part of your wages out of your paycheck each month until the amount is satisfied. If you do not have a regular paycheck, the court can issue an order to the sheriff to take Moines out of your bank account or to sell enough of your personal property to satisfy the amount of the judgment.

If your case involves automobile damages, your driver's license can be suspended, by an order of the Court, until the judgment is paid in full. Unpaid judgments may also hurt your credit rating. If you are indigent you may ask for a hearing on exemption from execution.

Remember, although you owe the money claimed, you might have a good reason why you have not paid and you should come into court on the trial date to tell the judge, or judgment may be entered against you in your absence. For example, if you purchased defective merchandise, you may have a good reason why you haven't paid and you should tell the judge.

APPEALS:

If you are dissatisfied with the judgment of the Justice Court, you may appeal the case to the District Court. In order for an appeal to be filed, you must do all of the following within 30 days from date of Judgment:

- 1) File written notices of appeal and serve a copy on the other side.
- 2) Pay \$10.00 appeal filing fee.
- 3) Furnish an undertaking (cash, bond) in the amount of the Judgment plus costs.
- 4) Pay filing fee in District Court.

The court clerk can answer any other questions concerning appeals, which does not constitute legal advice.

COLLECTING ON YOUR JUDGMENT:

At times it is wise to consider, assuming that you win, if there is a reasonable chance you can collect on your judgment. You may want to consider other alternatives (for example, collecting from your own insurance company in an auto accident where the other person has no insurance) if the person you are suing has no job and is indigent. However, you may also consider that the judgment is good for six (6) years and you may attempt to collect on it within that period.

Often it is difficult or impossible to collect from people. They do not have an income that can be garnished (collected on). You cannot garnish welfare, social security, unemployment, pension, or disability check. The person may also have no property that could be attached according to the law. You should determine how likely it is for you to collect.

Remember, it is your duty, not the Court's, to collect on a judgment. A party cannot be put in jail for failure to pay. The Court cannot write or call the other party for collection.

YOU must do the investigating. YOU must initiate proper legal procedures to collect.

It is often frustrating to work hard to take a case to court, gather evidence, contact witnesses who must take time out from work, and spend your own time and money, only to find that you cannot collect on your judgment.

"WHAT NEXT AFTER JUDGMENT?"

1. Parties have 30 days from date of judgment to file an appeal to District Court.
2. Your evidence is kept for 30 days from date of judgment. If there is no appeal filed you may come back and pick it up. The Court cannot mail your evidence to you.
3. If the prevailing party does not receive payment at the proper time, try to find out where the judgment debtor works or banks. You may then come in and file an Execution on his wages or commission, or checking and/or savings accounts. Please include any information you have on the praecipe, such as debtor's address, social security number, middle initial, account number, or spouse's name, as banks will not honor an Execution unless they are certain that judgment debtor is the bank's depositor.
4. When you file an Execution, be aware that you may not get the entire amount due the first time. It may be necessary to file more than once.
5. If your judgment was for automobile damages and the debtor makes no effort to satisfy the judgment, contact the Court and request the clerk to notify the Montana Highway Patrol to suspend his driver's license and/or car registration.
6. You may also request the Court for a "Show Cause Hearing" and "examination

of judgment debtor". The debtor is subpoenaed to Court and ordered to show cause as to why he has made no effort to satisfy the judgment. Because the Court has such a heavy caseload, the Court asks that you really try to collect your judgment through execution on wages or accounts first. If an examination of judgment debtor is held, the judgment debtor must testify as to income, balances of checking and savings accounts, worth of personal goods, etc.

7. You may also execute on the debtor's vehicle. Your first step is to write to the REGISTRAR OF MOTOR VEHICLES, in Deer Lodge, Montana, with a description of the vehicle and the license number, and request them to find out if there are any liens on the vehicle. If the car has a clear title you may file the execution, specify a towing service, and the constable will have the vehicle towed and put into storage until debtor pays the judgment, towing fee, etc. NOTE: You are responsible for towing and storage fees until debtor pays them.
8. You may file an Abstract of Judgment with the Clerk of the District Court. If debtor owns any real property, this will put a lien on it and they may not sell the property until this judgment is satisfied.
9. Your judgment is good for six (6) years, so although you have been unable to collect on the judgment recently, if debtor should get a job within that time limit you may execute. The judgment is also recorded against debtor's credit record with the Credit Bureau.
10. It is important that you file a "Satisfaction of Judgment" as soon as the judgment is fully paid, so that the Court can complete its records.

THIS INFORMATION IS NECESSARY TO FILE A COMPLAINT OR ANSWER & COUNTERCLAIM

Plaintiff _____

Address _____

Home Phone Number _____

Work Phone Number _____

Defendant _____

Address _____

Home Phone Number _____

Work Phone Number _____

Employment _____ Occupation _____

Amount of Suit _____

Reason: _____

NOTE

The following information will help to prevent unnecessary delays and problems in having your Complaint served upon the defendant. Please answer as accurately as possible.

1. Has the required registered letter been sent to the defendant? If you have a receipt for delivery, did the defendant sign it?
If not, whose name appears on the return receipt?
2. If the letter has not been delivered, or if you have had no response, have you verified the defendant's address within the last 10 days?
3. Please give a brief description of the defendant, such as approximate age, height, hair color, etc.
4. If this address is a rural address, please give directions to home:
5. If the address is an apartment, mobile home court, etc. please give apartment number or space.

D E F I N I T I O N S:

ACKNOWLEDGMENT OF SERVICE: A written form whereby the defendant may acknowledge receipt of the Summons and Complaint without personal service necessary. The form must be signed by the defendant and returned to the plaintiff. The plaintiff must file the completed form with the Justice Court.

AFFIDAVIT: A written statement of facts. The person making this statement must swear to its truth before a judge or a Notary Public.

APPEAL: The action or right of a party to ask a higher court to review a lower court's decision in order to correct mistakes or injustices.

APPEARANCE AND ANSWER: The defendant's acknowledgment, in writing that he is aware of the action against him and his response to the claim being made.

ATTACHMENT: The seizure of property or wages for payment of a Judgment ordered by the Court (see Garnishment).

CLERK: An officer or person who has charge of the Court's records; usually the Clerk of Justice Court.

CONSTABLE: An officer of the courts who delivers and serves the court papers. He shall set forth a fee for this service.

CONTINUANCE: Postponement of an action or hearing scheduled before the court.

COUNTERCLAIM: The defendant's claim against the plaintiff as a response to the original complaint.

COURT COSTS: The fee charged by the court to process records and cover other expenses incurred by the court.

DEFAULT JUDGMENT: A decision by the Court in favor of the person filing the claim (plaintiff) when the defendant fails to answer the complaint or fails to appear at the trial.

DEFENDANT: The person or party being sued.

DISMISSAL: The Court's decision to terminate a case prior to entering judgment (for example, if the plaintiff does not appear). If an action is dismissed "with prejudice", it cannot be re-filed. If an action is dismissed "without prejudice", the action may be again brought before the court.

EVIDENCE: Proof, either written or spoken, presented by either party at trial, which has an effect on the case before the court.

EXECUTION: The order issued to a sheriff or constable to carry out the judgment of the court; for example, to take and sell property by the person who owes a court judgment to collect the amount of money owed.

GARNISHMENT: An order to a person (for example, an employer or a bank) to transmit money or property (for example, wages or money) owed in a judgment to the court to satisfy a judgment. The money is turned over the person who won the suit.

HEARING: A court proceeding based upon a Motion or request by a party in which the judge decides a particular issue.

JUDGE OR MAGISTRATE: The Judicial Officer who hears and renders a decision in Justice Court.

JUDGMENT: The court's decision of the outcome of a particular case before the court.

JUDGMENT DEBTOR: The person or party against whom a judgment is rendered which has not been paid.

JUDGMENT CREDITOR: The person to whom money is owed as a result of a court decision.

JURISDICTION: The authority giving the court power to hear and decide cases. A Justice Court may have "jurisdiction" if the parties to a case are each requesting less than \$7,000.00 in money or damages from the other.

MEDIATION: The involvement of a neutral third party to help the disputing parties to settle the dispute.

MOTION TO DISMISS: A request by plaintiff or defendant for the court to dismiss a pending action.

PLAINTIFF: The person or party who makes or files a claim.

PRAECIPE: Written request to the court constable to serve the defendant with a copy of the complaint. It contains instructions, directions, address, place of employment, etc., for service of the summons and complaint. A Praecipe is also used to instruct officer on how to serve an Execution.

REGISTERED LETTER: A letter, written by the plaintiff, which advises the defendant that legal action will be taken if the Moines due are not paid within ten (10) days of receipt of the letter. The letter is then taken to the post office and sent by REGISTERED MAIL - RETURN RECEIPT REQUESTED.

SATISFACTION OF JUDGMENT: A form filed with the court issuing the judgment stating the judgment has been paid in full.

SETTLEMENT: An agreement reached between the two parties before the court hearing.

SUBPOENA: The legal term for an Order for a witness to appear in court.

SUIT: An action or case filed with the court.

SUMMONS: An order signed by the judge advising the defendant of the complaint and defendant's requirement to appear on a day certain and file an answer.

TRIAL: The time and place where the judge hears the evidence presented in the suit.

VACATE: making a judgment or court order ineffective.

VENUE: The proper location of the court in which to sue. In Justice Court, the court is in the county in which the defendant lives, or where he can be served with the Complaint.

WITNESS: A person called to testify in court for one of the parties in the case. An "expert witness" is a person who is especially trained in the subject at issue.

WRIT: A written order issued by the court and directed to the sheriff or other officer authorized by law to execute the order stated in the writ.